

Thomas-Jensen Affirmation

Exhibit # 89

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF MARIANA D. PADILLA

I, Mariana D. Padilla, declare as follows:

1. I am a resident of the State of New Mexico. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the New Mexico Public Education Department (PED) as Secretary Designate of Public Education

3. PED is the State Education Agency primarily responsible for the supervision and support of public elementary and secondary schools within the state including the provision and oversight of virtually all federal grant funding related to elementary and secondary education.

4. As Secretary Designate of Public Education, I work with the Chief Financial Officer, the Administration Services Division and the Fiscal Grants Management Division in the

management of all federal funding related to elementary and secondary education received by the State of New Mexico.

5. New Mexico currently has been awarded a total of \$1,879,210,361.93 in federal funding to support various education programs at both the state and local levels. (See Attachment A). Among a significant number of education programs, this includes, but is not limited to, the following programs:

- a. Elementary and Secondary Education Act (ESEA), Title I, Part A is a formula funded grant with a current total award amount of \$146,145,066.00. These funds are provided to serve approximately 87 percent of the total student population in New Mexico between age five and seventeen.
 - i. The purpose of the Title I, Part A fund is to provide financial assistance to schools and districts with high percentages of low-income students with the goal of ensuring that all children, regardless of economic background, meet state academic standards and receive a high-quality education.
 - ii. Key Objectives of Title I-A
 - A. Closing achievement gaps between disadvantaged students and their peers;
 - B. Improving educational equity to ensure fair access to quality education;
 - C. Supporting academic interventions by funding evidence-based programs; including tutoring, after-school programs, and early childhood education;
 - D. Enhancing teacher quality by supporting professional development to improve instruction in high-need schools; and
 - E. Increasing family & community engagement to boost student success.

- b. ESEA Title II, Part A is a formula funded grant with a current award amount of \$18,006,586.00. These funds are provided to serve approximately 87 percent of the total student population in New Mexico between age five and seventeen.
 - i. The purpose of Title II, Part A fund is to increase student achievement by improving the quality and effectiveness of teachers, principals, and school leaders. These funds support professional development, recruitment, and retention efforts to ensure that all students have access to high-quality educators.
 - ii. Key Objectives of Title II-A Funds:
 - A. Improving teacher & principal quality by funding training to enhance instructional skills and leadership effectiveness;
 - B. Recruiting and retaining effective educators by helping schools attract and keep high-quality teachers, especially in high-need schools;
 - C. Supporting evidence-based professional development by funding ongoing training for educators in instructional strategies, classroom management, and subject-area expertise;
 - D. Promoting equitable access to quality educators by Ensuring that low-income and minority students have equal access to strong teachers and leaders; and
 - E. Encouraging innovative instructional practices by funding mentoring, coaching, and new teaching strategies to improve student learning outcomes.
- c. ESEA, Title IV, Part A is a formula funded grant with a current total award amount of \$10,175,039.00. These funds are provided to serve approximately 87 percent of the total student population in New Mexico between age five and seventeen.

- i. The purpose of Title IV, Part A funds are to support a well-rounded education, improve school conditions for learning, and enhance the effective use of technology. These funds provide flexible funding to districts to address various student needs beyond core academics.
- ii. Key Objectives of Title IV, Part A Funds:
 - A. Supporting a well-rounded education by Expanding access to subjects beyond reading and math, such as science, technology, engineering, arts, and social studies;
 - B. Improving school conditions for learning by promoting safe and healthy schools and addressing mental health, bullying, and school climate; and
 - C. Enhancing the use of educational technology by funding technology infrastructure, digital learning, and teacher training on integration of technology into the classroom.
- d. Individuals with Disabilities Education Act (IDEA) Part B is a formula funded grant with a current award amount of \$109,028,430.00. These funds are provided to serve 59,544 current students with disabilities between three and twenty-one years of age within New Mexico
 - i. The purpose of IDEA Part B grant is to ensure that students with disabilities receive a free appropriate public education (FAPE) that meets their unique needs. IDEA Part B provides federal funding to states to support special education and related services for students with disabilities in accordance with each students individualized education program.
 - ii. Key Objectives of IDEA Part B:

- A. Guaranteeing educational access by ensuring that students with disabilities have an individualized education program that affords them access to the general curriculum in their least restrictive environment;
 - B. Supporting education for students with disabilities through the development and implementation of individualized education programs tailored to each student's needs;
 - C. Ensuring that schools provide special education and related services at no cost to families; and
 - D. Protecting student and parent rights afforded by the IDEA by ensuring that procedural safeguards are in place which protect their continued access to a free and appropriate public education.
- e. Carl D. Perkins Career and Technical Education Act (Perkins V) is a formula funded grant with a current award amount of \$10,518,061.00. These funds are provided to serve 89,322 current students.
- i. The Perkins V grant provides federal funding to support career and technical education (CTE) programs. The purpose of Perkins funds is to help students gain the academic, technical, and employability skills needed for high-skill, high-wage, or in-demand careers.
 - ii. Key Objectives of Perkins V Funds:
 - A. Strengthening CTE programs to better prepare students for today's workforce;
 - B. Improving workforce readiness by ensuring development of industry-relevant skills that align with labor market demands;

- C. Supporting special populations by providing resources for students who are economically disadvantaged, disabled, nontraditional career seekers, or English learners;
- D. Promoting collaboration with industry and higher education stakeholders by encouraging partnerships between schools, businesses, and community colleges to create real-world learning opportunities;
- E. Expanding access to modern technology and equipment by funding upgrades to labs, purchase of tools, and implementation new CTE curricula; and
- F. Providing professional development for educators to ensure that teachers can deliver high-quality, industry-aligned instruction.

6. PED's budget for this year has relied on the \$1,879,210,361.93 of awarded federal funds related to education, and the agency has made plans and allocated funding for staffing and direct support and services to local education agencies and schools within the state based on the anticipated receipt of the Federal funding that has been promised.

7. PED received the January 27, 2025 Memorandum from the Federal Office of Management and Budget indicating that all federal agencies must temporarily pause all activities related to obligation or disbursement of all federal financial assistance.

8. Any pause in our federal funding would catastrophically disrupt student instruction for the current school year because both the salary of educators and programming for students is tied to the appropriation and encumbrance of this federal funds. Further, the State would not be able to meet the significant obligations outlined in both federal and state law and the associated programmatic and fiscal requirements related to these education grants.

9. When the announcement of the funding pause was issued, PED staff and I had to begin planning for immediate triage to address the impending shortfall of funding that would ultimately result from the pause. This included seeking out more clarity from our partners at the federal Department of Education to determine the impact to PED's access to federal funds already awarded. Although information regarding the pause was scarce, PED had to plan for consistent communication to our agency staff, public schools, and school districts to ensure that they understood the implications of the funding pause at the local level. PED began planning for a full restructuring of operations both internally and externally to ensure continuity of necessary programs directly operated or supported by the PED. This included review of all programs and staff positions funded fully or partially by federal grants, the potential repurposing of positions to continue programs essential to the continued education of New Mexico students, pausing or terminating contracts with entities providing services to the PED, public schools and local school districts that were funded by federal grants, and collaborating with other state agencies to ensure the continuity of programs effecting schools not otherwise managed by PED. PED also considered requesting emergency funding from the state legislature to compensate for the inaccessible federal funds during the indefinite funding pause and also discussed the need for a complete hiring freeze on both state and federally funded positions within the agency.

10. Had the intended pause in federal funding come into effect, PED would have immediately been prevented from accessing a disbursement of \$15,858,956.80 of our previously awarded federal grants funds.


11. Additionally, a continuation of the federal funding pause would prevent access to future disbursements to the PED as early as February 14, 2025. If PED does not receive such disbursements, the significant negative impacts described above would continue to grow.

12. PED continues to be concerned that federal funding will again be delayed or denied because of on-going and conflicting statements by the current administration.

13. If federal funding is again paused, blocked, denied or delayed suddenly, PED will be forced to immediately implement some or all of the actions contemplated as described above to mitigate, to the extent possible, the negative impact that loss of federal education funding would cause to New Mexico public schools, students and their families.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 04, 2025, at Santa Fe, New Mexico.



Marian D. Padilla
Secretary Designate of Public Education

EXHIBIT A

Attachment A

New Mexico Current Federal Education Grant Awards

Award Number	Recipient Reference No	Net Authorizations
H027A240078	IDEA B	\$ 109,028,430.00
H173A230078	IDEA B-PRESCHOOL	\$ 3,508,798.00
H323A220010	STATE PERSONNEL DEVELOPMENT	\$ 4,731,565.00
H421E230016	CAREER CONNECTED LEARNING	\$ 9,943,500.00
R372A230008	FEDERAL SLDS INFORMATION TECHNOLOGY GRANT	\$ 2,762,970.93
S010A240031	TITLE I-SCHOOL IMPROVEMENT	\$ 146,145,066.00
S011A230031	TITLE I MIGRANT	\$ 1,130,988.00
S011A240031	TITLE I MIGRANT	\$ 1,004,200.00
S013A240031	TITLE I-NEGLECT & DELIQUENCY	\$ 158,519.00
S144F240031	TITLE I MIGRANT	\$ 61,126.00
S184H200011	TITLE IV BEHAVIORAL HEALTH	\$ 7,974,494.00
S196A230032	HOMELESS EDUCATION	\$ 967,448.00
S287C240031	TWENTY FIRST CENTURY	\$ 9,758,185.00
S358B240031	RURAL AND LOW INCOME	\$ 2,947,969.00
S365A230031	TITLE III - LANG ACQUISITION	\$ 5,815,909.00
S367A240030	TITLE II TEACHER QUALITY	\$ 18,006,586.00
S369A230032	STATE ASSESSMENT & ACTIVITIES	\$ 4,347,020.00
S371C190015	COMPREHENSIVE LITERACY	\$ 40,000,002.00
S411B230039	NM TEACHER RESIDENCIES	\$ 7,772,426.00
S424A240032	TITLE IV-SSAE	\$ 10,175,039.00

S424D200005	NM READY & EQUITABLE	\$ 11,878,424.00
S424F220032	STRONGER CONNECT GRANT	\$ 7,684,976.00
S424H240011	STRONGER CONNECT-TECHNICAL ASSISTANCE	\$ 231,234.00
S425D210023	CARES ACT-ESSER II	\$ 435,938,638.00
S425R210017	EANS-EMERGENCY ASSISTANCE NON-PUBLIC SCHOOLS	\$ 17,282,330.00
S425U210023	CARES ACT-ESSER III	\$ 979,761,933.00
S425V210017	ARP- EMERGENCY ASSISTANCE NON-PUBLIC SCHOOLS	\$ 17,425,938.00
S425W210032	ARP-ESSER- HCY	\$ 6,416,504.00
T365A240031	LANGUAGE ACQUISITION	\$ 5,832,083.00
V048A240031	CARL PERKINS-ALL PROJECTS	\$ 10,518,061.00
		\$ 1,879,210,361.93